



General Assembly

January Session, 2009

Raised Bill No. 6629

LCO No. 4365

04365_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING GUARDIANS AD LITEM AND
CONSERVATORSHIPS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-132 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) [In] (1) Except as provided in subdivision (2) of this subsection,
4 in any proceeding before a court of probate or the Superior Court
5 including the Family Support Magistrate Division, whether acting
6 upon an appeal from probate or otherwise, the judge or magistrate
7 may appoint a guardian ad litem for any minor or incompetent,
8 undetermined or unborn person, or may appoint one guardian ad
9 litem for two or more of such minors or incompetent, undetermined or
10 unborn persons, if it appears to the judge or magistrate that one or
11 more persons as individuals, or as members of a designated class or
12 otherwise, have or may have an interest in the proceedings, and that
13 one or more of them are minors, incompetent persons or persons
14 undetermined or unborn at the time of the proceeding.

15 (2) No judge or magistrate may appoint a guardian ad litem

16 pursuant to this section for any person eighteen years of age or older
17 who (A) is represented by an attorney, and (B) (i) is a respondent, as
18 defined in section 45a-644, or (ii) is subject to a conservatorship of the
19 person's estate or person.

20 (b) The appointment shall not be mandatory, but shall be within the
21 discretion of the judge or magistrate.

22 (c) Any order or decree passed or action taken in any such
23 proceeding shall affect all the minors, incompetent persons or persons
24 thereafter born or determined for whom the guardian ad litem has
25 been appointed, in the same manner as if they had been of the age of
26 majority and competent and present in court after legal notice at the
27 time of the action or the issuance of the order or decree.

28 (d) Any appointment of a guardian ad litem may be made with or
29 without notice and, if it appears to the judge or magistrate that it is for
30 the best interests of a minor having a parent or guardian to have as
31 guardian ad litem some person other than the parent or guardian, the
32 judge or magistrate may appoint a disinterested person to be the
33 guardian ad litem.

34 (e) When the appointment is made in connection with the settlement
35 of a decedent's estate or the settlement of the account of a trustee or
36 other fiduciary, the person so appointed shall be authorized to
37 represent the minor or incompetent, undetermined or unborn person
38 in all proceedings for the settlement of the estate or account and
39 subsequent accounts of the trustee or other fiduciary, or until his or her
40 appointment is terminated by death, resignation or removal.

41 (f) The guardian ad litem may be removed by the judge or
42 magistrate which appointed [him] the guardian ad litem, without
43 notice, whenever it appears to the judge or magistrate to be in the best
44 interests of the ward or wards of the guardian.

45 (g) Any guardian ad litem appointed under the provisions of this

46 section may be allowed reasonable compensation by the judge or
47 magistrate appointing [him] the guardian ad litem and shall be paid as
48 a part of the expenses of administration.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	45a-132
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Statement of Purpose:

To provide that a person who is subject to a proceeding to appoint a conservator or who has been appointed a conservator shall not be appointed a guardian ad litem in a probate, family or other proceeding.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]